

AB-846X P.002
E1-209

WEINER BRODSKY SIDMAN KIDER PC

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Public Record

February 26, 2003



BY FACSIMILE AND U.S. MAIL

Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423-0001

Re: STB Docket No. AB-846X, Illinois Indiana Development Company, LLC
- Abandonment Exemption - LaPorte County, IN; and
STB Docket No. AB-344 (Sub-No. 2X), Chicago South Shore & South
Bend Railroad - Discontinuance Exemption - In LaPorte County, IN

Dear Secretary Williams:

Enclosed for filing in the above-referenced proceeding are an original and 10 copies of a letter received from the Indiana Department of Natural Resources, Environmental Unit ("DNR") received in our office on February 24, 2003.

The letter follows DNR's previous correspondence of January 7 and January 22, 2003, attached to the jointly filed notices of exemption filed on February 10, 2003 in this matter. The attached is consistent with and reiterates the statements in the previous letters, adding a statement regarding certain recommended practices. The railroad parties to this proceeding have advised they do not intend to engage in the activities noted as being of concern to DNR.

Please acknowledge receipt of this letter by date-stamping the enclosed acknowledgment copy and returning it to our messenger.

Very truly yours,

Troy W. Garris



Indiana Department of Natural Resources

Frank O'Bannon, Governor
John Goss, Director

Environmental Unit
Division of Water
402 W. Washington Street, Rm. W264
Indianapolis, IN 46204-2641

18 February 2003

RECEIVED
FEB 24 2003
WBSK

Mr. Troy W. Garris
Weiner Brodsky Sidman Kider PC
1300 Nineteenth Street NW, Fifth Floor
Washington DC 20036-1609

Re: DNR #9985 - Railroad abandonment exemption; LaPorte County

Dear Mr. Garris:

The Indiana Department of Natural Resources has reviewed the above referenced project per your request. Our agency offers the following comments for your information and in accordance with the National Environmental Policy Act of 1969.

The Flood Control Act (IC 14-28-1) requires the prior formal approval of the Department of Natural Resources for any proposal to construct, excavate, or fill in or on the floodway of a stream or other flowing waterbody which has a drainage area greater than one square mile. Please submit more detailed plans to the Division of Water's Technical Services Section if it appears that the project site occurs in a floodway.

The Natural Heritage Program's data have been checked. To date, no plant or animal species listed as state or federally threatened, endangered, or rare have been reported to occur in the project vicinity.

Fish, wildlife, and botanical resource losses can be minimized through implementation of the following measures. All bare and disturbed areas should be revegetated with a mixture of grasses (excluding all varieties of tall fescue) and legumes upon completion. All tree and brush clearing should be minimized and contained within the project limits and opportunity should be provided to utilize cleared trees of firewood and timber size. Do not excavate or place fill in any riparian wetland. Appropriately designed measures for controlling erosion and sediment should be implemented to prevent sediment from entering the stream or leaving the construction site. These measures should be maintained until construction is complete and all disturbed areas are stabilized.

Our agency appreciates this opportunity to be of service and apologizes for not being able to respond sooner in this matter. Please do not hesitate to contact Christie L. Kiefer, Environmental Coordinator at (317) 232-4160 or at 1-877-928-3755 if we can be of further assistance.

Sincerely,


Michael W. Neyr, PE
Director
Division of Water

Note: Please include the above DNR # on any future correspondence regarding this project.